adjourned from day to day and that the whole process fee for a fresh sale should be realised in all other cases. As no greater expenditure than 10 chs. was necessary in the case of the sale on a distant date, he suggested that the old practice be restored.

(9) Petitions for the return of documents produced by parties after the disposal of suits were taxed with a fee of half a rupee. As they were being presented after the decree, the fee paid for the same would not be included in the cost of the suit. But the petitions of witnesses to return the documents produced by them were not taxed. Hence, the practice of realising fees for such petitions from parties should be discontinued and a memo without any fee should be declared sufficient in such cases.

(10) The practice of producing copies of judgments and decrees of both the lower Courts when a special appeal was presented originated in a special provision of the old Civil Procedure Code. But that provision was taken away in the new Code. The present Code only enjoined that the copy of the decree and the judgment against which the appeal was made should be produced. Hence, in special appeals, the appeal being against the decree of the appellate Court, the copies of the appeal decree and judgment alone should be required to be produced with the appeal memo and the present practice of insisting on copies of decrees and judgments of the Munsiffs in special appeals should be stopped.

(11) The Circular of the High Court that a review petition should be accompanied by copies of decree and judgment was not right. When a review petition was presented in a Court, the decree and the judgment being already in that Court, the Code did not require that copies of the judgment and decree should be produced with the petition. It was unnecessary to produce a copy when the original itself was in the Court. The British Indian High Courts had ruled that the review petition need not be accompanied by the said copies. The Court had no power to order a party to do a thing which the Regulation did not require. Further, the production of such copies was useless and caused unnecessary trouble and expense to the parties. Hence, the said Circular should be cancelled.

Dewan's reply.—The representations of the Members will be referred to the High Court.

42. Suggestions for redressing the grievances of the litigant public with special reference to the shifting of one of the two Munsiff's Courts at Nagercoil to Bhutapandi.

Mr. K. M. Sivathanu Pillai (Member, Tovala taluk) made the following suggestions with a view to redress the grievances of the litigant public:—

(1) Several items of business were carried on in the Courts every day such as examination of witnesses, writing judgments, hearing cases, conducting auctions, etc. That retarded the progress of work under all the heads. It should be made a rule that examination of witnesses and conducting auctions should take place on 4 days in the week, the remaining 2 days being assigned for hearing cases and writing judgments.

(2) At present, cases were being decided against parties who failed to appear at the first enquiry. If the parties appeared and petitioned the Court, such cases were again admitted. That procedure should be put a stop to. If a party should fail to appear at the first enquiry, it should be ordered that the case would go against that party, if he failed to appear at the next enquiry. If he should fail to appear on the second occasion also, the case should be decided against him and it should not be admitted again, unless the party showed sufficient cause for non-appearance.

(3) The present system of arresting debtors for realising decree-debts was not satisfactory. It should be laid down as a rule that either the decree-debt or the debtor should be produced before the Court on a specified day, that the warrant should be served on the debtor and duly attested by a responsible officer of the Government, that, if the debtor did not appear on the specified day, he should be held criminally liable or liable to be arrested by a second warrant and that, when the

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debtor was presented, he should be ordered to be released only on taking a security for his re-appearance from a respectable man.

(4) Hearing notes should be filed with the cases.

(5) The proceedings of the trial and the hearing should be conducted in the Vernacular language of the parties.

(6) Judgments also should be written in the Vernacular language.

(7) The Vakil should present his accounts connected with each case to be filed along with the case. At present, if the Vakils did not produce a certificate to the effect that their fees had been paid up within 15 days after the disposal of a case, the Vakils' fee would not be entered in the decree. That should not be the case. If a Vakil's fee had been actually paid, it should be shown in the decree. If it was not paid up, the Vakil should get the same from the party in the usual course.

(8) In small cause cases, all money spent by the plaintiff should be entered in the decree and held recoverable.

(9) The presiding officer should declare early in the day what cases he would take up that day and adjourn the other cases posted for the day to later dates.

(10) One or two Village Panchayat Courts should be opened in all the taluks.

(11) All Judges presiding over a single bench should state in their Diaries particulars as to the time at which they attended Court, the time spent in the Court, the number of cases tried and the time when the Court dispersed.

(12) In view of the confusion arising from selecting *thadasters* to attest attachments, auction sales, etc., of movable and immovable properties, four *thadasters* should be appointed for each *pidagai*. It should be made compulsory that only those men should attest transactions of the kind mentioned.

(13) Summonses, notices, etc., were not properly served on defendants by the peons. They should be arranged to be served by Anchal.

(14) Only competent persons should be appointed as Commissioners in Civil cases.

The Member then advocated the desirability of shifting one of the two Munsiffs' Courts at Nagercoil to Bhutapandi on the following grounds:—

(i) There would be sufficient work for a Munsiff at Bhutapandi, if the places called Navakkadu and Irachikulam, only 3 miles from Bhutapandi, were also placed under his jurisdiction.

(ii) The Court could be located in the local *satrom*. That would not entail any expenditure on the Government. The treasury at Bhutapandi could also be utilised for the proposed Court.

(iii) The Courts at Nagercoil were crowded. There was hardly any space in the precincts of the Court-house for parties, witnesses, etc.

(iv) The proposed Court at Bhutapandi would afford better convenience to the people of Tovala who had to walk several miles before they could reach the Courts at Nagercoil.

Dewan's reply.—Noted.

43. Needfor shiftin gthe Munsiff's Court at Krishnapurom to Kayankulam.

Mr. Peeli Pie Rama Pie (Member, Trading Classes, Kayankulam) said that the jurisdiction of the Krishnapurom Munsiff's Court extended to the Krishnapurom, Puthuppalli and Perunad *pakuthis* of the Karunagappalli taluk, Pathiyur, Keerikkad and Kandalur *pakuthis* of the Kartigappalli taluk and the Peringola *pakuthi* of the Mavelikara taluk, that the Court was located in the southernmost end of its jurisdiction and that nobody had any special convenience on account of the present

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